

PCT

To:

MCKNIGHT, John C.
Reckitt Benckiser plc
Group Patents Department
Dansom Lane
Hull HU8 7DS
GRANDE BRETAGNE

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RECKITT BENCKISER
GROUP PATENTS DEPT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
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29.04.2004

Applicant's or agent's file reference
10762P3 WO/RH

REPLY DUE

within 3 month(s)
from the above date of mailing

International application No.
PCT/GB 03/04422

International filing date (day/month/year)
13.10.2003

Priority date (day/month/year)
12.10.2002

International Patent Classification (IPC) or both national classification and IPC
C11D9/26

Applicant
RECKITT BENCKISER INC et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 12.02.2005

TO:	RTI
TO:	dm4/5/04
CASE NUMBER	10762P3 WO
DIARY	dm
RECORDS	dm
INVOICE	
ACKNOW	
RENEWAL	

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Pentek, E

Formalities officer (incl. extension of time limits)

Gallego, A

Telephone No. +49 89 2399-8102



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-20 as originally filed

Claims, Numbers

1-31 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

Inventive step (IS)

Claims

1-31

Industrial applicability (IA)

Claims

2. Citations and explanations**see separate sheet**

1. None of the documents cited in the search report discloses a composition comprising in combination a non-cationic antimicrobial agent, a water-soluble organic solvent, an anionic surfactant, a hydrocarbon diluent and pine oil. Therefore, the claimed subject-matter is novel over said prior art.
2. Documents GB-A-2 304 115 (D1) and WO 97/06230 (D2) are considered to represent the most relevant state of the art as they relate to aqueous pine oil-containing compositions for cleaning and disinfecting hard surfaces which compositions bloom when diluted in water. The compositions of D1 and D2 comprise or may comprise a phenolic germicidal (or antimicrobial) agent, a water soluble alcoholic or alkylene glycolic solvent, an anionic surfactant of the sulfonate or sulfate type surfactant (D2), (which surfactant being not excluded from the wording of "anionic soap surfactant" in present claim 1 when regarding the definition of said anionic soap surfactant in present claim 5) and/or a soap surfactant (D1), and pine oil having at least 60% terpene alcohols. D2 further shows that hydrocarbons of the terpene type (e.g. limonene) can be included in pine oil-containing compositions for cleaning and disinfecting hard surfaces. Therefore, the composition of present claim 1 and the benefits obtained by said composition is obviously derivable from the teaching of D1 and/or D2. Present claim 1 does thus not involve an inventive step.
3. Dependent claims 2 to 31 (claims 13, 14, 17, 29 and 30 are in fact dependent claims as they contain all the features of claim 1) do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step since said additional features are either known from D1 and/or D2 or represent slight constructional changes which come within the scope of the customary practice of a skilled person.